

By: Schofield

H.B. No. 1091

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a special three-judge district court.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle A, Title 2, Government Code is amended by adding Chapter 22A to read as follows:

CHAPTER 22A. SPECIAL THREE-JUDGE DISTRICT COURT.

Sec. 22A.001. MANDATORY PROCEEDINGS. (a) In any lawsuit in district court in which the State or an officer or agency of the State is a defendant and in which a claim described by subsection 22A.001(a)(1) or 22A.001(a)(2) is filed by any party, the Attorney General may petition the Chief Justice of the Supreme Court for the formation of a special three-judge district court. This section applies to:

(1) any claim challenging the finances or operations of the State's public school system; and

(2) any claim involving the apportionment of districts for the Texas House, Texas Senate, U.S. Congress, State Board of Education, or the apportionment of state judicial districts.

(b) Such a petition by the Attorney General stays all proceedings in the district court until the Chief Justice acts on the petition.

(c) Within a reasonable time after receipt of a petition under section 22A.001, the Chief Justice shall order that the case be heard by a special three-judge district court as provided by

1 section 22A.003.

2 Sec. 22A.002 DISCRETIONARY PROCEEDINGS. (a) In any
3 lawsuit in district court in which the State or an officer or agency
4 of the State is a defendant, the Attorney General may petition the
5 Chief Justice of the Supreme Court for the formation of a special
6 three-judge district court as provided by section 22A.003. The
7 Attorney General's petition must certify that the outcome of the
8 case:

9 (1) could significantly impact the finances of the
10 State;

11 (2) could significantly alter the operations of
12 important statewide policies or programs; or

13 (3) is otherwise of exceptional statewide importance
14 such that the case should not be decided by a single district judge.

15 (b) Such a petition by the AG stays all proceedings in the
16 district court until the Chief Justice acts on the petition.

17 (c) The Chief Justice may request that any party file a
18 statement objecting to or supporting the Attorney General's
19 petition. No such statement may be filed unless requested by the
20 Chief Justice. Any such statement shall address only whether the
21 claims at issue satisfy the criteria listed in section
22 22A.003(a)(1)-(a)(3) and shall not address other matters.

23 (d) The chief justice may either deny the petition or order
24 that the case be heard by a special three-judge district court.

25 (e) The Chief Justice's decision to grant or deny the
26 petition is final and may not be appealed or challenged.

27 (f) In ruling on a petition filed under section 22A.002, the

1 Chief Justice may consider:

2 (1) whether the petition meets the standards of
3 subsections 22A.002(a)(1)-22A.002(a)(3); and

4 (2) the available resources of the court system of the
5 State.

6 (g) In ruling on the petition, the Chief Justice shall
7 express no opinion on any question of law or fact arising from the
8 claims giving rise to the petition.

9 Sec. 22A.003 SPECIAL THREE-JUDGE DISTRICT COURTS. (a)

10 After receipt of a petition under Section 22A.001 or after granting
11 a petition under Section 22A.002, the Chief Justice shall order the
12 formation of a three-judge district court. The court shall consist
13 of:

14 (1) The district judge to whom the case was assigned at
15 the time the petition to the Chief Justice was submitted.

16 (2) A district judge chosen by the Chief Justice who
17 has been elected by the voters of a county other than the county in
18 which the case was filed; and

19 (3) A justice of a court of appeals chosen by the Chief
20 Justice who has been elected by the voters of a judicial district
21 other than the judicial district in which the case was filed or in
22 which the district judge chosen under section sits.

23 (b) The three-judge court shall sit in the county in which
24 the case was filed and may use the facilities, courtroom, and
25 administrative support of the district court in which the case was
26 filed.

27 (c) The travel expenses and other incidental costs related

1 to convening the three-judge court shall be paid by the Office of
2 Court Administration.

3 (d) On the motion of any party, a special three-judge court
4 shall consolidate with the cause of action before it any related
5 case pending in any district court or inferior court in the State.
6 Any case so consolidated shall be transferred, if necessary, to the
7 district court in which the three-judge court sits. Such transfer
8 may occur without the consent of the parties to the related case or
9 the court in which the related case is pending. For purposes of
10 this subsection, "related case" means any case in which the State or
11 an agency or officer of the State is a defendant that arises from
12 the same nucleus of operative facts, regardless of the legal claims
13 or causes of action asserted.

14 Section 22A.004 RULES OF CIVIL PROCEDURE. (a) Except as
15 provided by this section, the Texas Rules of Civil Procedure and all
16 other statutes and rules normally applicable to litigation in civil
17 district courts in this State shall apply to proceedings in front of
18 a three-judge district court; provided, however, that the Supreme
19 Court may promulgate rules for the operation of three-judge
20 district courts convened under this chapter.

21 Section 22A.005 ACTIONS BY JUSTICES. (a) With the
22 unanimous consent of the three-judge panel, a single judge on the
23 three-judge court may conduct pre-trial proceedings and enter
24 interlocutory orders prior to trial.

25 (b) No single judge may enter a temporary restraining order,
26 a temporary injunction, or any order that finally disposes of any
27 claim.

1 (c) Any action by a single judge may be reviewed by the full
2 three-judge court at any time prior to final judgment.

3 Section 22A.006 APPEAL. (a) Appeal from an appealable
4 interlocutory order of final judgment of a three-judge court shall
5 be directly to the Supreme Court.

6 (b) The Supreme Court may promulgate rules for appeals from
7 three-judge district courts.

8 SECTION 2. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2015. This Act applies only to
13 lawsuits filed after the Act is sent to the Governor for signature.